

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

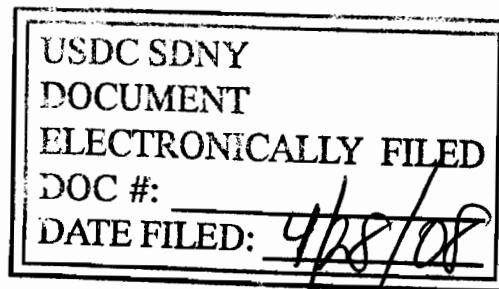
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JENYISA MILLER,

Plaintiff,

-against-

KAREN MUTO and GARY P. MUTO,

Defendants.
-----X



07 Civ. 9591 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

This personal injury action, originally filed in state court, was removed to this Court on October 26, 2007. An initial conference was held on December 11, 2007, and a case management order entered. In February 2008, defense counsel advised the Court that plaintiff had not timely responded to discovery demands served on December 14, 2007. In response to telephone inquiries from chambers staff, plaintiff's counsel advised the Court that plaintiff had not responded to efforts at contact, that he had not heard from plaintiff since filing the case, and that he believed plaintiff had moved and was not sure he had current contact information for her.

On March 21, 2008, the Court held a conference at which plaintiff's counsel repeated on the record that he was unable to respond to the defendant's discovery demands because plaintiff had fallen out of touch. Following the conference, the Court entered a written order directing plaintiff to respond to defendants' discovery demands by April 21, 2008, and directing both parties to notify the Court by April 23, 2008 regarding plaintiff's compliance. The order made clear that if plaintiff failed to respond by the deadline, the case would be dismissed for failure to prosecute.

By letter dated April 22, 2008, defendants advised the Court that they still have not received any response to their December 2007 discovery demands. To date, the Court received no correspondence or other response from plaintiff. The Court can only conclude that plaintiff has abandoned the litigation.

Accordingly, it is hereby ORDERED that the case is dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: New York, New York
April 28, 2008



GERARD E. LYNCH
United States District Judge